

**PROPOSED REGULATION OF THE NEVADA
TRANSPORTATION AUTHORITY**

LCB File No. R060-13

September 12, 2013

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1-7, NRS 706.171 and section 2 of Senate Bill No. 210, Chapter 402, Statutes of Nevada 2013, at page 2177.

A REGULATION relating to motor carriers; prohibiting a person from driving a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has in his or her possession a valid driver's permit issued by the Nevada Transportation Authority; providing for the issuance of a temporary driver's permit under certain circumstances; providing that a driver's permit issued by the Authority remains the property of the Authority and must be returned to the Authority under certain circumstances; prohibiting the holder of a certificate of public convenience and necessity to operate as a motor carrier from allowing certain persons to drive without a valid driver's permit issued by the Authority; and providing other matters properly relating thereto.

Section 1. Chapter 706 of NAC is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this regulation.

Sec. 2. 1. *A person shall not drive a charter bus for the purposes of charter bus transportation, a motor vehicle for a fully regulated carrier of passengers or a taxicab motor carrier as an employee, independent contractor or lessee unless the person has in his or her possession a valid driver's permit issued to the person by the Authority pursuant to section 2 of Senate Bill No. 210, Chapter 402, Statutes of Nevada 2013, at page 2177.*

2. If the Authority determines that a charter bus operated for the purposes of charter bus transportation, a motor vehicle operated for a fully regulated carrier of passengers or a taxicab motor carrier is being driven by a person who does not possess a valid driver's permit, the Authority may cause the vehicle to be withdrawn from service until such time as a person who possesses a valid driver's permit is available to drive the vehicle.

Sec. 3. A driver's permit issued by the Authority remains the property of the Authority and must be returned to the Authority when a the person to whom the driver's permit has been issued changes employment or leaves the industry or upon demand of the Authority.

Sec. 4. The Authority may issue a temporary driver's permit to an applicant for a driver's permit which is valid only during the period in which the Authority conducts an investigation of the applicant's background as authorized by section 2 of Senate Bill No. 210, Chapter 402, Statutes of Nevada 2013, at page 2177, and processes the application. A temporary driver's permit issued by the Authority expires on the date on which the Authority issues or refuses to issue a driver's permit to the applicant.

Sec. 5. NAC 706.229 is hereby amended to read as follows:

706.229 1. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.1, 391.2, 391.11(a), 391.11(b)(1) to 391.11(b)(4), inclusive, 391.11(b)(6), 391.11(b)(7), 391.11(b)(8), 391.13, 391.15, 392.2, 392.3, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 40, 382, 390, 393 and 397, a certificate holder shall not allow an employee to drive a traditional limousine or livery limousine unless the employee:

(a) Is at least 21 years of age and has a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035;

(b) *Possesses a valid driver's permit issued by the Authority;*

(c) Provides to the certificate holder, on or before the date on which the employee becomes employed by the certificate holder as the driver of a traditional limousine or livery limousine:

(1) A certificate from a licensed physician which demonstrates that the employee is physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43; and

(2) A copy of the driving record of the employee which is obtained from the Department and which demonstrates that the employee has not, within the 3 years immediately preceding the date on which the employee becomes so employed by the certificate holder:

(I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;

(II) Been convicted of reckless driving;

(III) Been convicted of failing to stop and remain at the scene of an accident; or

(IV) Failed to keep a written promise to appear in court for any offense; and

~~(e)~~ (d) Within the 3 years immediately preceding the date on which the employee submitted to the certificate holder an application to be a driver of a traditional limousine or livery limousine:

(1) Has not failed to appear for a hearing before the Authority which resulted in the employee being found to have violated a provision of this chapter or chapter 706 of NRS;

(2) Has not been found by the Authority to have violated the provisions of this chapter or chapter 706 of NRS more than five times; and

(3) Has not failed to pay on or before the due date any fine assessed against the employee by the Authority.

2. Each employee shall update annually the documents required pursuant to paragraph ~~(b)~~ (c) of subsection 1.

3. A certificate holder shall retain a copy of each document submitted by an employee pursuant to this section for at least 3 years after his employment has terminated.

4. The Authority will create and maintain a list of persons who are not qualified to drive a traditional limousine or livery limousine pursuant to paragraph ~~(e)~~ (d) of subsection 1.

Sec. 6. NAC 706.3751 is hereby amended to read as follows:

706.3751 1. In addition to the applicable requirements set forth in 49 C.F.R. §§ 391.51, 392.2, 392.4, 392.5 and 392.9 and 49 C.F.R. Parts 390, 393 and 397, a certificate holder shall not allow an employee or independent contractor of the certificate holder to drive a taxicab that the certificate holder is authorized to operate unless the employee or independent contractor:

(a) Is at least 21 years of age and has held for at least 30 days a valid Nevada driver's license or is a border state employee, as that term is defined in NRS 483.035;

(b) *Possesses a valid driver's permit issued by the Authority;*

(c) Provides to the certificate holder, on or before the date on which the employee becomes employed by the certificate holder as the driver of a taxicab or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

(1) A certificate from a licensed physician which demonstrates that the employee or independent contractor is physically qualified to operate a commercial motor vehicle in accordance with 49 C.F.R. § 391.43; and

(2) A copy of the driving record of the employee or independent contractor which is obtained from the Department and which demonstrates that the employee or independent contractor has not, within the 3 years immediately preceding the date on which the employee becomes employed by the certificate holder as the driver of a taxicab or the independent contractor begins to lease a taxicab from the certificate holder pursuant to NRS 706.473:

(I) Been convicted of driving under the influence of an intoxicating liquor or a controlled substance;

(II) Been convicted of reckless driving;

(III) Been convicted of failing to stop and remain at the scene of an accident; or

(IV) Failed to keep a written promise to appear in court for any offense; and

~~(e)~~ (d) Within the 3 years immediately preceding the date on which the employee or independent contractor submitted an application to the certificate holder to drive a taxicab:

(1) Has not failed to appear for a hearing before the Authority which resulted in the employee being found to have violated a provision of this chapter or chapter 706 of NRS;

(2) Has not been found by the Authority to have violated the provisions of this chapter or chapter 706 of NRS more than five times; and

(3) Has not failed to pay on or before the due date any fine assessed against the employee by the Authority.

2. Each employee or independent contractor shall update annually the documents required pursuant to paragraph ~~1(b)~~ (c) of subsection 1 and submit the updated documents to the certificate holder.

3. A certificate holder shall retain a copy of each document that the employee or independent contractor submitted to the certificate holder pursuant to this section until 3 years after the employee's employment has terminated or the independent contractor's lease has expired.

4. The Authority will create and maintain a list of persons who are not qualified to drive a taxicab pursuant to paragraph ~~1(e)~~ (d) of subsection 1.

Sec. 7. This regulation becomes effective on January 1, 2014.